

1 Invalid basis for dismissal. Disregarding of testimonial evidence as basis for
2 dismissal. Perjury by the Trustee as a violation of Rule 455(a) [fraud upon the court] by
3 creating a total lack of confidence in the judicial system by a person of [authority],
4 learned in the law would lower himself to commit such an egregious perjury even in the
5 face of my sworn testimony

6
7 All of my testimonial evidence & statements were sworn to under oath.

8
9 The 12/28/2010 Motion to extend the filing of documents was set over until February
10 11, 2011, because of the conflict with another event in the US District court of Northern
11 New York, so set over by Senior Judge McAvoy, who called the court and extended the
12 date to January 18, 2011 at 09:30 am. I was advised by Judge McAvoy not to worry
13 about the hearing as the case would not be dismissed.

14
15 On January 04, 2011 a Motion to Dismiss was filed by the Trustee, despite of the fact
16 that the Motion to Extend Time was scheduled for January 25, 2011. This action clearly
17 demonstrates that the Trustee, either wishes to bring fraud upon the court [Rule 455(a)
18 violation] or can't keep his schedule of cases straight and mixes his cases up. In either
19 event the motion for dismissal is improper and an appealable issue.

20
21 "On January 18, 2010 the court was closed at 10:30 am due to the snow and ice
22 storm. The phone recording said that the court was CLOSED at 10:30 am. The recording
23 stated that court date scheduled for January 18, 2011 was re-scheduled for January 24,
24 2011 at the same time. When the weather improved I filed all the schedules and
25 paperwork that was due into the court and sent copies to the Trustee on January 20, 2011.
26 At this time I was advised by the Clerk of the Court who said that I had used the wrong
27 form for the Plan. I was then instructed to re-do the plan on the correct for and turn it
28

1 into the court on January 25, 2011. I did correct the form and filed the plan on the 25
2 January 2011.

3 On January 14, 2011 the Confirmation hearing that was scheduled for 2/1/2011 was
4 moved to 2/8/2011.

5
6 On January 25, 2011 Judge Cecelia Morris, mocked my paperwork, stating that I was
7 praying to the Father and not her, and she proceeded to ignore the court rules and
8 violating Rule 455(a). Mocking religion, religious beliefs and convictions is
9 unconstitutional at best and a Mortal sin at worst. I forgive Cecelia Morris for her actions
10 and I cross claim by way of an adversarial appeal on the issue of Rule 455(a) violations
11 and perjury by the Trustee.

12
13 I request recusal of the trustee and Judge Cecelia Morris based upon their
14 unconstitutional actions and violations of the Rules. Due to the evidentiary evidence and
15 under the Excusable Neglect Standard, in this case and the court's own extensions of
16 time invalidating the claim by Cecelia Morris in her basis for dismissing my chapter 13
17 bankruptcy I request the court to reconsider the dismissal of my chapter 13 case..

18
19 I believe by way of this Affidavit of Prejudice that the Trustee and Cecelia Morris are
20 biased and I do not believe that I received a fair hearing or that I can ever receive a fair
21 hearing involving this Trustee and Cecelia Morris.

22
23 See stamped copy of receipt of the documents that were submitted into the court
24 which the Order of Dismissal states I did not submit in a timely manner [Exhibit A]

25
26 See copies of my extension of time [Exhibit B]

1 See copies of extensions of time In Docket [Exhibit C]

2
3 Judge McAvoy can be called to verify his request to extend time. I have already
4 informed him of the status of this case.

5
6 See copies of the 2 affidavits that the trustee said were not my signature [Exhibits D
7 & E]

8
9 See copy of the first amendment of the Constitution of the united States of America
10 [Exhibit F]

11
12 I, Richard Enrique Ulloa, MOTION the court to reconsider and to re-instate this
13 bankruptcy

14
15 I, Richard Enrique; Ulloa, reserves the right to amend this document at any time
16 necessary without leave of court, with my choice of law and my choice of court.

17
18 Submitted this 7th Day of February 2011.

19
20
21 *By Richard Enrique 2/7/11*

22 By: Richard Enrique; Ulloa Date

23
24 State of new york)

25) :ss ATTESTATION

26 County of ulster)

1 Sworn and affirmed on this 7th day of February 2011, before me, the undersigned
2 Notary Public in and for the State of New York, appeared Richard-Enrique: Ulloa,
3 personally known to me or proved to me on the basis of satisfactory evidence, to be the
4 natural person whose signature appears in the within instrument and acknowledged to me
5 that he executed it.

6 Witness my hand and official seal: /s/ Diana S. Cline NOTARY
7 PUBLIC IN WITNESS WHEREOF, I have hereunto set my hand and seal this 7th day of
8 February 2011.

9
10
11 Printed Name Diana S. Cline
12 Notary Public- 01CL6015194 NY (state)
13 Residing at 420 Fairview Ave Huley
14 My commission expires 10/26/2014

DIANA S. CLINE
NOTARY PUBLIC, STATE OF NEW YORK
NO. 01CL6015194
QUALIFIED IN ULSTER COUNTY
COMMISSION EXPIRES 10/26/2014

15
16 I am not an expert in the law however I do know right from wrong. If there is any
17 human being damaged by any statements herein, if he will inform me by facts I will
18 sincerely make every effort to amend my ways. I hereby and herein reserve the right to
19 amend and make amendment to this document as necessary in order that the truth may be
20 ascertained and proceedings justly determined. If the parties given notice by means of
21 this document have information that would controvert and overcome this Affidavit,
22 please advise me IN WRITTEN AFFIDAVIT FORM within thirty (30) days from receipt
23 hereof providing me with your counter affidavit, proving with particularly by stating all
24 requisite actual evidentiary fact and all requisite actual law, and not merely the ultimate
25 facts or conclusions of law, that this Affidavit Statement is substantially and materially
26 false sufficiently to change materially my status and factual declarations. Your silence
27 stands as consent to, and tacit approval of, the factual declarations herein being
28

1 established as fact as a matter of law. May the will of our Heavenly Father Yahvah,
2 through the power and authority of the blood of His Son Yahshua be done on Earth as it
3 is in Heaven.

4
5 I pray to our Heavenly Father and not this court that justice be done.

6 **Reserving ALL Natural God-Given Unalienable Birthrights,**
7 **Waiving None, Ever,**

8
9 **28 USC §1746**

10 I declare under penalty of perjury under the laws of the United States of
11 America that the foregoing is true, complete and correct. 28 USC §1746

12 Signed on this the seventh day of the second month in the year of our Lord
13 and Savior two thousand eleven.

14
15 *By: Richard-Enrique*

16 Richard-Enrique; Ulloa, unrepresented

17 Address:

Phone 845-687-7855

Nation "New York".

general post-office.

Hurley-town.

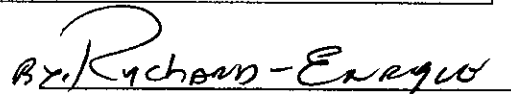
19 United States Minor, Outlying Islands. Near. [12443-9998]
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Proof and Evidence of Service

I, Richard-Enrique; Ulloa: declare that I served by filing one copy of the "Motion to Reconsider" by "hand-delivered by private carrier-service on "USBC of Southern NY" sent by post-office-first class-mail AND OR CERTIFIED MAIL to the following:

JEFFREY L. SAPIR	USBC of Southern NY
	COURT CLERK
399 Knollwood Road, Suite 102	255 Main Street
White Plains, New York 10603	Poughkeepsie, New York 12601
First class mail	First class mail



Richard-Enrique; Ulloa

February 7, 2011

NOTICE TO THE AGENT IS NOTICE TO THE PRINCIPAL NOTICE TO
THE PRINCIPAL IS NOTICE TO THE AGENT

United States Bankruptcy Court

Southern District Of New York

In re ULLOA, RICHARD E.
DebtorCase No. 10-38621-CGMChapter 13

SUMMARY OF SCHEDULES

Indicate as to each schedule whether that schedule is attached and state the number of pages in each. Report the totals from Schedules A, B, D, E, F, I, and J in the boxes provided. Add the amounts from Schedules A and B to determine the total amount of the debtor's assets. Add the amounts of all claims from Schedules D, E, and F to determine the total amount of the debtor's liabilities. Individual debtors also must complete the "Statistical Summary of Certain Liabilities and Related Data" if they file a case under chapter 7, 11, or 13.

NAME OF SCHEDULE	ATTACHED (YES/NO)	NO. OF SHEETS	ASSETS	LIABILITIES	OTHER
A - Real Property	yes	1	\$209,000.00		
B - Personal Property	yes	3	\$988.00		
C - Property Claimed as Exempt	yes	1			
D - Creditors Holding Secured Claims	yes	2		\$0	
E - Creditors Holding Unsecured Priority Claims (Total of Claims on Schedule F)	yes	3		\$0	
F - Creditors Holding Unsecured Nonpriority Claims	yes	6		\$24,594.00	
G - Executory Contracts and Unexpired Leases	yes	1			
H - Codebtors	yes	1			
I - Current Income of Individual Debtor(s)	yes	1			\$0
J - Current Expenditures of Individual Debtors(s)	yes	1			\$2,465.00
TOTAL		20	\$209,988.00	\$24,594.00	

FILED
U.S. BANKRUPTCY COURT
2011 JAN 20 P 12:04
POUGHKEEPSIE, NY

A

**U.S. Bankruptcy Court
Southern District of New York (Poughkeepsie)
Bankruptcy Petition #: 10-38621-cgm**

Assigned to: Judge Cecelia G. Morris
Chapter 13
Voluntary
Asset

Date filed: 11/29/2010
Date terminated: 01/27/2011
Debtor dismissed: 01/27/2011

Debtor disposition: Dismissed for Other Reason

Debtor

Richard E Ulloa
22 Mountain Ridge Road
PO Box 771
Stone Ridge, NY 12484
SSN / ITIN: xxx-xx-8283

represented by **Richard E Ulloa**
PRO SE

Trustee

Jeffrey L. Sapir-13
As Chapter 13 and 12 Trustee
399 Knollwood Road
Suite 102
White Plains, NY 10603
(914) 328-6333

represented by **Jeffrey L. Sapir-13**
As Chapter 13 and 12
Trustee
399 Knollwood Road
Suite 102
White Plains, NY 10603
(914) 328-6333
Fax : (914) 328-7299
Email:
info@sapirch13tr.com

U.S. Trustee

United States Trustee
74 Chapel Street
Albany, NY 12207
(518) 434-4553

Filing Date	#	Docket Text
11/29/2010	<u>1</u>	Voluntary Petition (Chapter 13). Order for Relief Entered. . Fee

B

12/01/2010	<u>8</u>	Certificate of Mailing Re: Deficiency Notice (related document(s) (Related Doc # <u>4</u>)). Service Date 12/01/2010. (Admin.) (Entered: 12/02/2010)
12/08/2010	<u>9</u>	Notice of Appearance filed by Randa R. Simmons on behalf of Wells Fargo Bank, NA. (Simmons, Randa) (Entered: 12/08/2010)
12/13/2010	<u>10</u>	Motion to Extend Deadline to File Schedules or Provide Required Information filed by Richard E Ulloa. with hearing to be held on 12/28/2010 at 09:30 AM at Poughkeepsie Office - 355 Main Street (Austin, Andrew) (Entered: 12/14/2010)
12/16/2010	<u>11</u>	Letter <i>stating change of address (ECF unable to accept change)</i> filed by Richard E Ulloa. (Leary, Mary) (Entered: 12/16/2010)
12/16/2010	<u>12</u>	Certificate of Service & Notice of Filing (related document(s) <u>10</u>) filed by Richard E Ulloa. (Sierra, Emiliano) (Entered: 12/16/2010)
12/22/2010		Notice of Continuance of Meeting of Creditors on 1/26/2011 at 08:30 AM at Office of UST (355 Main Street, Poughkeepsie) (Sapir-13, Jeffrey) (Entered: 12/22/2010)
12/28/2010	<u>13</u>	Notice of Adjournment of Hearing RE: Motion to Extend Deadline to File Schedules or Provide Required Information filed by Richard E Ulloa (related document(s) <u>10</u>); Hearing held and adjourned to 1/18/2011 at 09:30 AM at Poughkeepsie Office - 355 Main Street. (Sierra, Emiliano) (Entered: 12/29/2010)
01/04/2011	<u>13</u>	Motion to Dismiss Case filed by Jeffrey L. Sapir-13 on behalf of Jeffrey L. Sapir-13. with hearing to be held on 1/25/2011 at 01:35 PM at Poughkeepsie Office - 355 Main Street (Sapir-13, Jeffrey) (Entered: 01/04/2011)
01/14/2011		PLEASE TAKE NOTICE that the Confirmation Hearing currently scheduled for 2/1/2011 at 1:35 pm HAS BEEN RESCHEDULED. Hearing to be held 2/8/2011 at 1:35 pm. (Leavey, Andrew). (Entered: 01/14/2011)
01/18/2011		PLEASE TAKE NOTICE any and all matters currently scheduled to be heard before the Honorable Cecelia Morris on 1/18/2011 have been RESCHEDULED to 1/24/2011 at the same time (Fredericks, Frances). (Entered: 01/18/2011)
01/18/2011		Notice of Adjournment of Hearing RE: Motion to Extend Deadline to File Schedules or Provide Required Information filed by Richard E Ulloa (related document(s) <u>10</u>); Hearing not held and adjourned to

B

HEARING DATE: 12/28/2010
HEARING TIME @ 9:30 AM.

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK

In re: ULLOA, RICHARD ENRIQUE.

Bankruptcy Case No. 10-38621-cgm

Debtor

**NOTICE REQUESTING AN ENLARGEMENT
OF TIME to complete my schedules and
other documents due to illness, financial
hardship and to locate needed information.**

**NOTICE REQUESTING AN ENLARGEMENT OF TIME to finish my schedules
and documents due to illness, financial hardship and to locate the
information I needed in order to complete these documents.**

I, Richard Enrique; Ulloa, do request to this honorable court for an enlargement of time pursuant to Federal Rules of Civil Procedure Rule 6(B) Enlargement and request that I be given until February 11, 2011 as I have not been able to find my papers and still can not locate a lot of my papers. My asthma has been very bad and I am under extreme stress, I have been ill through all of this. I have been working on figuring out the bankruptcy schedules and other forms so I can do them correctly plus I have had extreme financial hurdles to overcome.

A family member has been and is extremely ill due to my lack of enough income to get the needed medicines, which run a minimum of \$1,300.00 per month, due to my income being garnisheed for the last 6 to 8 weeks which is extremely serious and has created a medical crisis and has caused additional medical expenses and needs. I may be forced to use the family medical emergency leave act. I have had to do so in the past, which of course stops all income.

Therefore I, Richard Enrique; Ulloa, requests that the court grant me this enlargement of time until February 11, 2011 to file my schedules and other documents or in the alternative what ever this court may deem just and proper.

I, Richard Enrique; Ulloa, reserves the right to amend this document at any time necessary without leave of court,

Submitted this 13th Day of December, 2010.

Richard Enrique

By: Richard Enrique; Ulloa Date

POUGHKEEPSIE, NY
2010 DEC 13 A 9:50
U.S. BANKRUPTCY COURT
FILED

C

58	Total adjustments to determine disposable income. Add the amounts on Lines 54, 55, 56, and 57 and enter the result.	\$
59	Monthly Disposable Income Under § 1325(b)(2). Subtract Line 58 from Line 53 and enter the result.	\$

Part VI: ADDITIONAL EXPENSE CLAIMS

60	Other Expenses. List and describe any monthly expenses, not otherwise stated in this form, that are required for the health and welfare of you and your family and that you contend should be an additional deduction from your current monthly income under § 707(b)(2)(A)(ii)(1). If necessary, list additional sources on a separate page. All figures should reflect your average monthly expense for each item. Total the expenses.	
	Expense Description	Monthly Amount
	a.	\$
	b.	\$
	c.	\$
Total: Add Lines a, b, and c		\$

Part VII: VERIFICATION

61	I declare under penalty of perjury that the information provided in this statement is true and correct. (If this is a joint case, both debtors must sign.)	
	Date: <u>12/10/2010</u> Signature: <u>BY: Richard Enriquez</u> (Debtor) <u>4401</u>	Date: _____ Signature: _____ (Joint Debtor, if any)

D

In re ULLOA, RICHARD E,
Debtor

Case No. 10-38621-CGM
(If known)

DECLARATION CONCERNING DEBTOR'S SCHEDULES

DECLARATION UNDER PENALTY OF PERJURY BY INDIVIDUAL DEBTOR

I declare under penalty of perjury that I have read the foregoing summary and schedules, consisting of 22 sheets, and that they are true and correct to the best of my knowledge, information, and belief.

Date December 10, 2010

Signature: BY: Richard Enriquez Ulloa
Debtor

Date _____

Signature: N/A
(Joint Debtor, if any)

(If joint case, both spouses must sign.)

DECLARATION AND SIGNATURE OF NON-ATTORNEY BANKRUPTCY PETITION PREPARER (See 11 U.S.C. § 110)

I declare under penalty of perjury that: (1) I am a bankruptcy petition preparer as defined in 11 U.S.C. § 110; (2) I prepared this document for compensation and have provided the debtor with a copy of this document and the notices and information required under 11 U.S.C. §§ 110(b), 110(h) and 342(h); and, (3) if rules or guidelines have been promulgated pursuant to 11 U.S.C. § 110(h) setting a maximum fee for services chargeable by bankruptcy petition preparers, I have given the debtor notice of the maximum amount before preparing any document for filing for a debtor or accepting any fee from the debtor, as required by that section.

N/A
Printed or Typed Name and Title, if any,
of Bankruptcy Petition Preparer

Social Security No.
(Required by 11 U.S.C. § 110.)

If the bankruptcy petition preparer is not an individual, state the name, title (if any), address, and social security number of the officer, principal, responsible person, or partner who signs this document.

Address _____

X _____
Signature of Bankruptcy Petition Preparer

Date _____

Names and Social Security numbers of all other individuals who prepared or assisted in preparing this document, unless the bankruptcy petition preparer is not an individual:

If more than one person prepared this document, attach additional signed sheets conforming to the appropriate Official Form for each person.

A bankruptcy petition preparer's failure to comply with the provisions of title 11 and the Federal Rules of Bankruptcy Procedure may result in fines or imprisonment or both. 11 U.S.C. § 110; 18 U.S.C. § 156.

DECLARATION UNDER PENALTY OF PERJURY ON BEHALF OF A CORPORATION OR PARTNERSHIP

I, the N/A [the president or other officer or an authorized agent of the corporation or a member or an authorized agent of the partnership] of the _____ [corporation or partnership] named as debtor in this case, declare under penalty of perjury that I have read the foregoing summary and schedules, consisting of _____ sheets (Total shown on summary page plus 1), and that they are true and correct to the best of my knowledge, information, and belief.

Date _____

Signature: N/A

(Print or type name of individual signing on behalf of debtor.)

[An individual signing on behalf of a partnership or corporation must indicate position or relationship to debtor.]

Penalty for making a false statement or concealing property: Fine of up to \$500,000 or imprisonment for up to 5 years or both. 18 U.S.C. §§ 152 and 3571.

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United States Constitution

[main page](#) [CRS Annotated Constitution](#)

Bill of Rights

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- [First Amendment](#) [Religion, Speech, Press, Assembly, Petition (1791)] (see [annotations](#))
- [Second Amendment](#) [Right to Bear Arms (1791)] (see [annotations](#))
- [Third Amendment](#) [Quartering of Troops (1791)] (see [annotations](#))
- [Fourth Amendment](#) [Search and Seizure (1791)] (see [annotations](#))
- [Fifth Amendment](#) [Grand Jury, Double Jeopardy, Self-Incrimination, Due Process (1791)] (see [annotations](#))
- [Sixth Amendment](#) [Criminal Prosecutions - Jury Trial, Right to Confront and to Counsel (1791)] (see [annotations](#))
- [Seventh Amendment](#) [Common Law Suits - Jury Trial (1791)] (see [annotations](#))
- [Eighth Amendment](#) [Excess Bail or Fines, Cruel and Unusual Punishment (1791)] (see [annotations](#))
- [Ninth Amendment](#) [Non-Enumerated Rights (1791)] (see [annotations](#))
- [Tenth Amendment](#) [Rights Reserved to States (1791)] (see [annotations](#))

Amendment I

Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the government for a redress of grievances.

Amendment II

A well regulated militia, being necessary to the security of a free state, the right of the people to keep and bear arms, shall not be infringed.

Amendment III

No soldier shall, in time of peace be quartered in any house, without the consent of the owner, nor in time of war, but in a manner to be prescribed by law.

Amendment IV

The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no warrants shall issue, but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.

Amendment V

No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a grand jury, except in cases arising in the land or naval forces, or in the militia, when in actual service in time of war or public danger; nor shall any person be subject for the same offense to be twice put in jeopardy of life or limb; nor shall be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use, without just compensation.

Amendment VI

In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the state and district wherein the crime shall have been committed, which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor, and to have the assistance of counsel for his defense.

Amendment VII

In suits at common law, where the value in controversy shall exceed twenty dollars, the right of trial by jury shall be preserved, and no fact tried by a jury, shall be otherwise reexamined in any court of the United States, than according to the rules of the common law.

Amendment VIII

Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted.

Amendment IX

The enumeration in the Constitution, of certain rights, shall not be construed to deny or disparage others retained by the people.

Amendment X

The powers not delegated to the United States by the Constitution, nor prohibited by it to the states, are reserved to the states respectively, or to the people.

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